

FILED

UNITED STATES DISTRICT COURT
LAS CRUCES, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

APR 22 2016

2:30 *pm*

MATTHEW J. DYKMAN
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JESSICA HERNANDEZ,

Defendant.

CRIMINAL NO. 16-576 KG

MONEY JUDGMENT (ORDER OF FORFEITURE)

THIS MATTER comes before the Court on the United States of America's Unopposed Motion for Entry of Money Judgment (Order of Forfeiture) (Doc. 68) as to the defendant, JESSICA HERNANDEZ. The Court, having reviewed the motion and being fully advised in the premises, finds the motion is well-taken and shall be granted.

WHEREAS, in the Indictment the United States gave notice to the defendant that in the event of conviction, the defendant would be required to forfeit, pursuant to 21 U.S.C. § 853 any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offenses and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense(s);

WHEREAS, on April 21, 2016, the defendant entered a plea of guilty to:

- a. **Count 1** a violation of 21 U.S.C. § 846: Conspiracy to Possess with Intent to Distribute 5 grams or more of Methamphetamine, contrary to 21 U.S.C. §§ 841(a)(1) and (b)(1)(B); and

WHEREAS, the United States established the requisite nexus between \$900.00 in proceeds and the offenses of which the defendant has been convicted.

WHEREAS, the imposition of a Money Judgment in the sum of **\$900.00** was made part of her plea agreement and will be entered in the judgment; for which Defendant JESSICA HERNANDEZ and co-defendant ERIC CHRISTOPHER WILSON are jointly and severally liable.

WHEREAS, Federal Rule of Criminal Procedure 32.2(c)(1) provides that “no ancillary proceeding is required to the extent that the forfeiture consists of a money judgment,”

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. The defendant, JESSICA HERNANDEZ, shall forfeit to the United States the sum of **\$900.00**, pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), 21 U.S.C. § 853, and Federal Rules of Criminal Procedure 32.2(b)(1) and (c)(1); for which Defendant JESSICA HERNANDEZ and co-defendant ERIC CHRISTOPHER WILSON are jointly and severally liable.


2. Upon the entry of this Order, in accordance with Federal Rule of Criminal Procedure 32.2(b)(3), the Attorney General and/or the Secretary of the Treasury (or a designee) is authorized to seize the sum of this Money Judgment, and to conduct any discovery that may assist in identifying, locating or disposing of the sum of this Money Judgment, any property traceable thereto, or any property that may be forfeited as substitute assets.

3. This Money Judgment (Order of Forfeiture) will become final as to the defendant at the time of sentencing and will be made a part of the sentence and included in the judgment. Fed. R. Crim. P. 32.2(b)(3), (c)(1), and (c)(2).

4. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e), if the United States locates specific assets traceable to the sum of this Money Judgment or other assets subject to forfeiture as substitute assets pursuant to 21 U.S.C. § 853(p).

5. The United States may, at any time, move pursuant to Federal Rule of Criminal Procedure 32.2(e) to amend this Money Judgment (Order of Forfeiture) to substitute property having a value not to exceed **\$900.00** to satisfy this Money Judgment in whole or in part.

6. Any payments made to satisfy this Money Judgment shall be by cashier's check or money order (not personal check) payable to: **"United States Marshals Service,"** c/o United States Attorney's Office, Asset Recovery Unit, 201 Third Street NW, Ste. 900, Albuquerque, NM 87102. Include in the memo section of the check: **"JESSICA HERNANDEZ 16-CR-576 KG"** for proper application of payments.


KENNETH J. GONZALES
United States District Judge